

REMARKS

After entry of this amendment, claims 21-26 and 28 are pending.

Regarding indefiniteness, Applicants have attempted to address the Examiner's concern by using a different verb, but they note that the specification clearly states that the binder causes agglomeration, stating:

The process of the present invention is particularly useful for agglomerating solid particles and for producing a granular material. If the fluid composition comprises a binder for the solid particles and/or the mass of solid particles comprises an additive that acts as a binder for the solid particles upon contact with the foam, the particles agglomerate upon contacting the foam with the solid particles.

Page 10 of Applicant's specification, lines 25-29. Accordingly, there very much is antecedent basis for "agglomerated particles," as the specification teaches that if binder is present, there will be agglomeration,

Applicants have amended claims 21 and 28 to further distinguish from the Hardie-Muncy reference. As amended, HPMC now cannot be a "surfactant" under the claims. Moreover, Hardie-Muncy does not have a "binder" in the "powder," as their HPMC (erstwhile surfactant) is in the foam.

Additionally, Hardie-Muncy lacks the step of contacting the foam with the Examiner's "powder," as the foam contacts the large bread crumbs, said coated croutons *then* being contacted with the 297-1410 micrometer small bread crumbs (*See* Hardie-Muncy Example 1: "After the addition of the large breadcrumbs, the combination was well blended, with a bench top churn (candy coater). Lastly, 34.9 grams of small bread crumbs: those passing through a number 14 U.S. Sieve size but retained on a number 50 U.S. Sieve size sieve, and 18 grams of a seasoning blend were added and the combination was again thoroughly mixed so as to distribute all of the materials uniformly.").

Applicants submit that the double-patenting rejections are now moot, but that the '828 rejection was improper, as coating and agglomerating are not considered to be the same invention in the art (see previously submitted declaration), and are more or less taught in the

specification as mutually exclusive depending on binder presence. The '702 rejection is now believed moot also.

Respectfully submitted,

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